AMENDMENTS TO THE CLAIMS

1. **(Withdrawn)** A method for assaying the activity of a transcriptional control element, the method comprising:

- expressing from the transcriptional control element a polynucleotide that encodes a polypeptide, wherein said polynucleotide is operably connected to a nucleic acid sequence that encodes a RNA element that modulates the stability of a transcript encoded by the polynucleotide; and
- measuring the level or functional activity of the polypeptide produced from the expression.

2. **(Withdrawn)** A method according to claim 1, wherein the RNA element is a destabilizing element which reduces the stability of the transcript.

3. **(Withdrawn)** A method according to claim 1, wherein the polynucleotide and the nucleic acid sequence are heterologous to each other.

4. **(Withdrawn)** A method according to claim 1, wherein the polypeptide has an intracellular half-life of less than about 3 hours.

5. **(Withdrawn)** A method according to claim 1, wherein the polypeptide comprises a protein-destabilizing element.

6. **(Withdrawn)** A method according to claim 5, wherein the protein-destabilizing element is selected from the group consisting of: a PEST sequence, an N-terminal destabilizing amino acid, an ubiquitin, a biologically active fragment thereof, a variant and a derivative of these.

7. **(Withdrawn)** A method according to claim 1, wherein the polypeptide is a reporter protein.

8. **(Withdrawn)** A method according to claim 7, wherein the reporter protein is an enzymatic protein or a protein associated with the emission of light.

9. **(Withdrawn)** A method according to claim 7, wherein the reporter protein is a fluorescent protein or a luminescent protein.

10. **(Withdrawn)** A method according to claim 1, wherein the expression of the polynucleotide is carried out in the presence of a test agent.

11. **(Withdrawn)** A method according to claim 10, wherein the method further comprises:

- comparing the level or functional activity of the polypeptide produced in the presence to the level or functional activity of the polypeptide produced in the absence of the test agent.

12. **(Withdrawn)** A method according to claim 10, wherein the expression of the polynucleotide is carried out in a first cell type or condition and in a second cell type or condition, wherein a difference in the level or functional activity of the polypeptide in the presence of the test agent between the cell types or conditions provides information on the effect of the test agent on the cell types or conditions.

13. **(Withdrawn)** A method for assaying the activity of a transcriptional control element, the method comprising:

- expressing from a first transcriptional control element in a first construct a first polynucleotide that encodes a first polypeptide , wherein said first polynucleotide is operably connected to a nucleic acid sequence that encodes a RNA element that modulates the stability of a transcript encoded by the first polynucleotide;
- measuring the level or functional activity of the first polypeptide produced from the first construct;
- expressing from a second transcriptional control element in a second construct a second polynucleotide that encodes a second polypeptide wherein said second polynucleotide is operably connected to a nucleic acid sequence that encodes a RNA element that modulates the stability of a transcript encoded by the second polynucleotide, wherein the expression of the second polynucleotide is carried out in the presence or absence of the test agent, and wherein the second transcriptional control element is different than the first transcriptional control element;
- measuring the level or functional activity of the second polypeptide produced from the second construct; and
- comparing the level or functional activity of the second polypeptide with the level or functional activity of the first polypeptide in the presence or absence of the test agent.

14. **(Withdrawn)** A method according to claim 13, wherein the first construct and the second construct are both present on a single vector.

15. **(Withdrawn)** A method according to claim 13, wherein the first construct and the second construct are present on different vectors.

16. **(Withdrawn)** A method according to claim 13, wherein the first polypeptide and the second polypeptide are detectably distinguishable.

17. **(Withdrawn)** A method according to claim 13, wherein the first construct and the second construct are contained within a single cell.

18. **(Withdrawn)** A method according to claim 13, wherein the first construct and the second construct are contained within different cells.

19. **(Withdrawn)** A method according to claim 13, wherein at least one of the first and second polypeptides has an intracellular half-life of less than about 3 hours.

20. **(Withdrawn)** A method according to claim 13, wherein both the first and second polypeptides have an intracellular half-life of less than about 3 hours.

21. **(Withdrawn)** A method according to claim 1, wherein the activity of the transcriptional control element is a measure of a cellular event.

22. **(Withdrawn)** A method according to claim 21, wherein the cellular event is selected from cell cycle progression, apoptosis, immune function, modulation of a signal transduction pathway, modulation of a regulatory pathway, modulation of a biosynthetic pathway, toxic response, cell differentiation and cell proliferation.

23. **(Currently Amended)** A recombinant construct for assaying the activity of a gene expression-modulating element or for identifying ~~elements of this type~~ a gene expression-modulating element or an agents that modulates ~~their~~ the activity of a gene expression-modulating element, the construct comprising in operable linkage: a polynucleotide that encodes a polypeptide having an intracellular half-life of less than about 3 hours in HeLa cells and a nucleic acid sequence that encodes a RNA element that modulates the stability of a transcript encoded by the polynucleotide, and a site for introducing a gene expression-modulating element in operable connection with the polynucleotide and the nucleic acid sequence, wherein the polynucleotide is not operably connected to a promoter.

24. **(Original)** A construct according to claim 23, wherein the RNA element is a destabilizing element which reduces the stability of the transcript.

25. **(Original)** A construct according to claim 23, wherein the polynucleotide and the nucleic acid sequence are heterologous to each other.

26. **(Cancelled)**

27. **(Original)** A construct according to claim 23, wherein the polypeptide comprises a protein-destabilizing element.

28. **(Previously Presented)** A construct according to claim 27, wherein the protein-destabilizing element is selected from the group consisting of: a PEST sequence, an N-terminal destabilizing amino acid and a ubiquitin.

29. **(Withdrawn)** A construct according to claim 23, wherein the RNA element is a stabilising element which increases the stability of the transcript.

30. **(Original)** A construct according to claim 23, wherein the polypeptide is a reporter protein.

31. **(Original)** A construct according to claim 30, wherein the reporter protein is an enzymatic protein or a protein associated with the emission of light.

32. **(Original)** A construct according to claim 30, wherein the reporter protein is a fluorescent protein or a luminescent protein.

33. **(Original)** A construct according to claim 23, further comprising a cloning site for introducing a sequence of nucleotides.

34. **(Original)** A construct according to claim 33, wherein the cloning site is a multiple cloning site.

35. **(Original)** A construct according to claim 23, further comprising a polyadenylation sequence.

36. **(Original)** A construct according to claim 23, further comprising a selectable marker.

37. **(Original)** A construct according to claim 23, further comprising an origin of replication.

38. **(Original)** A construct according to claim 23, further comprising a translational enhancer.

39. **(Original)** A construct according to claim 23, which is a vector.

40. **(Original)** A construct according to claim 23, further comprising one or more members selected from the group consisting of:

- a multiple cloning site for introducing a sequence of nucleotides;
- a reporter gene;
- a transcriptional enhancer for enhancing transcription of the polynucleotide;

- a translational enhancer for enhancing translation of the transcript encoded by the polynucleotide;
- a polyadenylation sequence;
- a selectable marker gene;
- an origin of replication;
- an intron; and
- a mRNA nuclear export signal

41. **(Previously Presented)** A construct according to claim 33 or claim 40, further comprising at least one site which is cleavable enzymatically, chemically or otherwise to provide a linearised vector into which PCR amplification products can be directly inserted.

42. **(Previously Presented)** A construct according to claim 24, wherein the nucleic acid sequence is from a gene selected from the group consisting of: *c-fos, c-jun, c-myc, GM-CSF, IL-3, TNF-alpha, IL-2, IL-6, IL-8, IL-10, Urokinase, bcl-2, SGLT1 (Na(+)-coupled glucose transporter), Cox-2 (cyclooxygenase 2), IL-8, PAI-2 (plasminogen activator inhibitor type 2), beta1-adrenergic receptor* and *GAP43.*

43. **(Withdrawn)** A construct according to claim 29, wherein the nucleic acid sequence is from a gene selected from the group consisting of: *alpha2 globin, alpha1 globin, beta globin, growth hormone, erythropoietin, ribonucleotide reductase R1* and *m1 muscarinic acetylcholine.*

44. **(Previously Presented)** A construct according to claim 24, wherein the nucleic acid sequence is SEQ ID NO:19.

45. **(Cancelled)**

46. **(Previously Presented)** A construct according to claim 30, wherein the reporter protein is selected from the group consisting of: Luciferase, Green Fluorescent Protein, Red Fluorescent Protein, SEAP and CAT.

47. **(Original)** A construct according to claim 23, wherein the polypeptide is a protein having at least a light-emitting activity and a selection marker activity.

48. **(Original)** A construct according to claim 47, wherein the polypeptide is encoded by a chimeric gene comprising a coding sequence from a gene encoding a light-emitting protein and a coding sequence from a gene encoding a selectable marker protein.

49. **(Previously Presented)** A construct according to claim 47, wherein the polypeptide is encoded by a chimeric gene comprising a coding sequence from a gene encoding: a light-emitting protein selected from the group consisting of: Green Fluorescent Protein, Luciferase; and a coding sequence from a gene encoding a selectable marker protein selected from the group consisting of: kanamycin kinase, neomycin phosphotransferase, aminoglycoside phosphotransferase, puromycin N-acetyl transferase, and puromycin resistance protein.

50. **(Original)** A construct according to claim 23, wherein the gene expression modulating element is a transcriptional control element.

51. **(Original)** A construct according to claim 50, wherein the transcriptional control element is a promoter.

52. **(Original)** A construct according to claim 23, wherein the gene expression modulating element is a *cis*-acting regulatory element.

53. **(Previously Presented)** A construct according to claim 52, wherein the *cis*-acting regulatory element is selected from the group consisting of: an enhancer of transcription, an enhancer of translation, an enhancer of mRNA splicing, an enhancer of mRNA export, an enhancer of mRNA degradation, a repressor of transcription, a repressor of translation, a repressor of mRNA splicing, a repressor of mRNA export and a repressor of mRNA degradation.

54. **(Original)** A cell comprising a construct according to claim 23.

55. **(Original)** A cell according to claim 54, wherein the cell is a eukaryotic cell.

56. **(Original)** A cell according to claim 54, wherein the cell is a mammalian cell.

57. **(Original)** A cell according to claim 54, wherein the cell is a human cell.

58. **(Original)** A cell according to claim 54, wherein the cell is a plant cell.

59. **(Withdrawn)** A genetically modified non-human organism comprising one or more constructs according to claim 23.

60. **(Withdrawn)** A method for identifying an agent that modulates the activity of a gene expression-modulating element, the method comprising:

- expressing under the control of the gene expression-modulating element a polynucleotide that encodes a polypeptide operably linked to a nucleic acid sequence that encodes a RNA element that modulates the stability of a transcript encoded by the polynucleotide in the presence and absence of a test agent;

- measuring and comparing the level or functional activity of the polypeptide in the presence and absence of the test agent, wherein a difference between the level or functional activity of the polypeptide in the presence and absence of the test agent indicates that the test agent modulates the activity of the gene expression-modulating element.

61. **(Withdrawn)** A method for assaying the activity of a post-transcriptional control element, the method comprising:

- expressing from a transcriptional control element a polynucleotide that encodes a polypeptide having an intracellular half-life of less than about 3 hours wherein said polynucleotide is operably linked to a nucleic acid sequence that encodes the post-transcriptional control element; and
- measuring the level or functional activity of the polypeptide produced from the expression.

62. **(Withdrawn)** A method for assaying the activity of a post-transcriptional control element, the method comprising:

- expressing from a transcriptional control element a polynucleotide that encodes a polypeptide comprising a protein-destabilizing element wherein said polynucleotide is operably linked to a nucleic acid sequence that encodes the post-transcriptional control element; and
- measuring the level or functional activity of the polypeptide produced from the expression.

63. **(Withdrawn)** A method for identifying a nucleotide sequence that encodes a post-transcriptional control element wherein said post-transcriptional control element modulates the expression of a RNA transcript from a first polynucleotide that encodes a polypeptide, the method comprising:

- expressing from a first transcriptional control element in a first construct the first polynucleotide, wherein said first polynucleotide is operably connected to a test nucleotide sequence suspected of encoding the post-transcriptional control element;
- expressing from a second transcriptional control element in a second construct a second polynucleotide, which encodes a second polypeptide, wherein said second polynucleotide is not operably connected to the test nucleotide sequence, wherein the

second polypeptide is the same as, or different than, the first polypeptide and wherein the second transcriptional control element is the same as, or different than, the first transcriptional control element; and

- comparing the level or functional activity of the polypeptides from the first and second constructs, wherein a difference between the level or functional activity of the first polypeptide and the level or functional activity of the second polypeptide indicates that the test nucleotide sequence encodes a post-transcriptional control element.

64. **(Withdrawn)** A method for identifying an agent that modulates the activity of a post-transcriptional control element wherein said post-transcriptional control element modulates the expression of a RNA transcript from a polynucleotide that encodes a polypeptide, the method comprising:

- expressing from a transcriptional control element the polynucleotide, which is operably connected to a nucleic acid sequence that encodes the post-transcriptional control element, wherein the expression of the polynucleotide is carried out in the presence and absence of a test agent; and
- measuring and comparing the level or functional activity of the polypeptide in the presence and absence of the test agent, wherein a difference between the level or functional activity of the polypeptide in the presence and absence of the test agent indicates that the test agent modulates the activity of the post-transcriptional control element.

65. **(Withdrawn)** A method for assaying the activity of a transcriptional control element, the method comprising:

a. expressing from the transcriptional control element a polynucleotide which encodes a polypeptide comprising a protein-destabilizing element and which is operably connected to a nucleic acid sequence which encodes a RNA element that modulates the stability of a transcript encoded by the polynucleotide; and
b. measuring the level and/or functional activity of the polypeptide produced from the construct.

66. **(Withdrawn)** A method for identifying a *cis*-acting regulatory element that modulates the activity of a transcriptional control element, the method comprising:

- subjecting a construct to conditions sufficient for RNA and protein synthesis to occur, wherein the construct comprises in operable linkage: a nucleotide sequence suspected of having *cis*-acting regulatory activity; the transcriptional control element; a polynucleotide that encodes a polypeptide and a nucleic acid sequence that encodes a RNA element that modulates the stability of a transcript encoded by the polynucleotide; and
- detecting production of the polypeptide from the construct.

67. **(Withdrawn)** A construct comprising in operable linkage: a polynucleotide that encodes a polypeptide comprising a protein-destabilizing element, and a nucleic acid sequence that encodes a RNA element that modulates the stability of a transcript encoded by the polynucleotide.

68. **(Currently Amended)** A recombinant construct comprising in operable linkage: a polynucleotide that encodes a polypeptide having a half-life of less than about 3 hours in HeLa cells, and a nucleic acid sequence that encodes a RNA element that modulates the stability of a transcript encoded by the polynucleotide.

69. **(Withdrawn)** A construct for identifying or assaying the activity of a post-transcriptional control element that modulates the expression of a transcript, the construct comprising a transcriptional control element that is operably connected to: a polynucleotide from which the transcript is transcribed and which encodes a polypeptide having an intracellular half-life of less than about 3 hours; and a nucleotide sequence that encodes, or is suspected to encode, the post-transcriptional control element or a site for introducing the nucleotide sequence.

70. **(Withdrawn)** A construct for identifying or assaying the activity of a *cis*-acting regulatory element other than a post-transcriptional control element, the construct comprising a transcriptional control element in operable linkage with a polynucleotide that encodes a polypeptide and a nucleic acid sequence that encodes a RNA element that modulates the stability of a transcript encoded by the polynucleotide, wherein the construct further comprises a *cis*-acting regulatory element or a nucleotide sequence suspecting of being a *cis*-acting regulatory element or a site for introducing the *cis*-acting regulatory element or the nucleotide sequence in said operable linkage.

71. **(Withdrawn)** A construct for assaying the activity of a transcriptional control element or for identifying agents that modulate the activity of the transcriptional control element,

the construct comprising the transcriptional control element in operable linkage with a polynucleotide that encodes a polypeptide having an intracellular half-life of less than about 3 hours; and a nucleic acid sequence that encodes a RNA element that modulates the stability of a transcript encoded by the polynucleotide.

72. **(Withdrawn)** A construct for assaying the activity of a transcriptional control element or for identifying agents that modulate the activity of the transcriptional control element, the construct comprising the transcriptional control element in operable linkage with a polynucleotide that encodes a polypeptide that comprises a protein-destabilizing element, and a nucleic acid sequence that encodes a RNA element that modulates the stability of a transcript encoded by the polynucleotide.

73. **(Withdrawn)** A method according to claim 1, wherein the RNA element destabilizes the transcript and comprises an AU-rich element.

74. **(Withdrawn)** A method according to claim 73, wherein the AU-rich element comprises the sequence set forth in SEQ ID NO:1.

75. **(Withdrawn)** A method according to claim 1, wherein the polypeptide is a reporter protein comprising a PEST sequence.

76. **(Withdrawn)** A method according to claim 75, wherein the reporter protein comprises Luciferase.

77. **(Withdrawn)** A method according to claim 75, wherein the reporter protein comprises firefly luciferase.

78. **(Withdrawn)** A method according to claim 75, wherein the reporter protein comprises *Renilla* luciferase.

79. **(Withdrawn)** A method according to claim 1, wherein the RNA element destabilizes the transcript and comprises an AU-rich element and wherein the polypeptide is a reporter protein comprising firefly luciferase and a PEST sequence.

80. **(Withdrawn)** A method according to claim 1, wherein the RNA element destabilizes the transcript and comprises an AU-rich element and wherein the polypeptide is a reporter protein comprising *Renilla* luciferase and a PEST sequence.

81. **(Withdrawn)** A method for assaying the activity of a transcriptional control element, the method comprising:

- expressing from the transcriptional control element a polynucleotide that encodes a reporter protein and that is operably connected to a nucleic acid sequence that encodes a RNA element that destabilizes a transcript encoded by the polynucleotide, wherein the reporter protein comprises firefly luciferase and a PEST sequence and wherein the RNA element comprises an AU-rich element; and
- measuring the level or functional activity of the reporter protein produced from the expression.

82. **(Withdrawn)** A method according to claim 81, wherein the AU-rich element comprises the sequence set forth in SEQ ID NO:1.

83. **(Withdrawn)** A method for assaying the activity of a transcriptional control element, the method comprising:

- expressing from the transcriptional control element a polynucleotide that encodes a reporter protein and that is operably connected to a nucleic acid sequence that encodes a RNA element that destabilizes a transcript encoded by the polynucleotide, wherein the reporter protein comprises *Renilla* luciferase and a PEST sequence and wherein the RNA element comprises an AU-rich element; and measuring the level or functional activity of the reporter protein produced from the expression.

84. **(Withdrawn)** A method according to claim 83, wherein the AU-rich element comprises the sequence set forth in SEQ ID NO:1.

85. **(Previously Presented)** A construct according to claim 23, wherein the RNA element destabilizes the transcript and comprises an AU-rich element.

86. **(Previously Presented)** A construct according to claim 85, wherein the AU-rich element comprises the sequence set forth in SEQ ID NO:1.

87. **(Previously Presented)** A construct according to claim 23, wherein the polypeptide is a reporter protein comprising a PEST sequence.

88. **(Previously Presented)** A construct according to claim 87, wherein the reporter protein comprises Luciferase.

89. **(Previously Presented)** A construct according to claim 87, wherein the reporter protein comprises firefly luciferase.

90. **(Previously Presented)** A construct according to claim 87, wherein the reporter protein comprises *Renilla* luciferase.

91. **(Previously Presented)** A construct according to claim 23, wherein the RNA element destabilizes the transcript and comprises an AU-rich element and wherein the polypeptide is a reporter protein that comprises firefly luciferase and a PEST sequence.

92. **(Previously Presented)** A construct according to claim 23, wherein the RNA element destabilizes the transcript and comprises an AU-rich element and wherein the polypeptide is a reporter protein that comprises *Renilla* luciferase and a PEST sequence.

93. **(Currently Amended)** A recombinant construct for assaying the activity of a gene expression-modulating element or for identifying ~~elements of this type~~ a gene expression-modulating element or an agents that modulates ~~their~~ the activity of a gene expression-modulating element, the construct comprising in operable linkage: a polynucleotide that encodes a reporter protein and a nucleic acid sequence that encodes a RNA element that destabilizes a transcript encoded by the polynucleotide, wherein the reporter protein comprises firefly luciferase and a PEST sequence, wherein the RNA element comprises an AU-rich element and wherein the construct comprises an origin of replication and a site for introducing the gene expression-modulating element in operable connection with the polynucleotide and the nucleic acid sequence.

94. **(Currently Amended)** A recombinant construct for assaying the activity of a gene expression-modulating element or for identifying ~~elements of this type~~ a gene expression-modulating element or an agents that modulates ~~their~~ the activity of a gene expression-modulating element, the construct comprising in operable linkage: a polynucleotide that encodes a reporter protein and a nucleic acid sequence that encodes a RNA element that destabilizes a transcript encoded by the polynucleotide, wherein the reporter protein comprises *Renilla* luciferase and a PEST sequence, wherein the RNA element comprises an AU-rich element and wherein the construct comprises an origin of replication and a site for introducing the gene expression-modulating element in operable connection with the polynucleotide and the nucleic acid sequence.

95. **(Previously Presented)** A construct according to claim 93 or claim 94, wherein the AU-rich element comprises the sequence set forth in SEQ ID NO:1.

96. **(Previously Presented)** A construct according to claim 93 or claim 94, wherein the construct further comprises a multiple cloning site for introducing the gene expression-modulating element.

97. **(Previously Presented)** A construct according to claim 93 or claim 94, wherein the construct further comprises a polyadenylation sequence.

98. **(Previously Presented)** A construct according to claim 97, wherein the polyadenylation sequence is a SV40 polyadenylation sequence.

99. **(Previously Presented)** A construct according to claim 93 or claim 94, wherein the construct further comprises a selectable marker gene.

100. **(Previously Presented)** A construct according to claim 99, wherein the selectable marker gene is an ampicillin resistance gene.

101. **(Cancelled)**

102. **(Previously Presented)** A cell comprising a construct according to claim 93 or claim 94.

103. **(Withdrawn)** A method for identifying an agent that modulates the activity of a gene expression-modulating element, the method comprising:

- expressing under the control of the gene expression-modulating element a polynucleotide that encodes a reporter protein and a nucleic acid sequence that encodes a RNA element that destabilizes a transcript encoded by the polynucleotide in the presence and absence of a test agent, wherein the reporter protein comprises firefly luciferase and a PEST sequence and wherein the RNA element comprises an AU-rich element;
- measuring and comparing the level or functional activity of the reporter protein in the presence and absence of the test agent, wherein a difference between the level or functional activity of the reporter protein in the presence and absence of the test agent indicates that the test agent modulates the activity of the gene expression-modulating element.

104. **(Withdrawn)** A method according to claim 103, wherein the AU-rich element comprises the sequence set forth in SEQ ID NO:1.

105. **(Withdrawn)** A method for identifying an agent that modulates the activity of a gene expression-modulating element, the method comprising:

- expressing under the control of the gene expression-modulating element a polynucleotide that encodes a reporter protein and a nucleic acid sequence that encodes a RNA element that destabilizes a transcript encoded by the polynucleotide in the

presence and absence of a test agent, wherein the reporter protein comprises *Renilla* luciferase and a PEST sequence and wherein the RNA element comprises an AU-rich element;

- measuring and comparing the level or functional activity of the reporter protein in the presence and absence of the test agent, wherein a difference between the level or functional activity of the reporter protein in the presence and absence of the test agent indicates that the test agent modulates the activity of the gene expression-modulating element.

106. **(Withdrawn)** A method according to claim 105, wherein the AU-rich element comprises the sequence set forth in SEQ ID NO:1.

107. **(Previously Presented)** A construct according to claim 68, wherein the RNA element is a destabilizing element which reduces the stability of the transcript.

108. **(Previously Presented)** A construct according to claim 68, wherein the polynucleotide and the nucleic acid sequence are heterologous to each other.

109. **(Previously Presented)** A construct according to claim 68, wherein the polypeptide comprises a protein-destabilizing element.

110. **(Previously Presented)** A construct according to claim 109, wherein the protein-destabilizing element is selected from the group consisting of: a PEST sequence, an N-terminal destabilizing amino acid and a ubiquitin.

111. **(Previously Presented)** A construct according to claim 68, wherein the polypeptide is a reporter protein.

112. **(Previously Presented)** A construct according to claim 111, wherein the reporter protein is an enzymatic protein or a protein associated with the emission of light.

113. **(Previously Presented)** A construct according to claim 111, wherein the reporter protein is a fluorescent protein or a luminescent protein.

114. **(Previously Presented)** A construct according to claim 68, further comprising a cloning site for introducing a sequence of nucleotides in operable connection with the polynucleotide and the nucleic acid sequence.

115. **(Previously Presented)** A construct according to claim 114, wherein the cloning site is a multiple cloning site.

116. **(Previously Presented)** A construct according to claim 68, further comprising a polyadenylation sequence.

117. **(Previously Presented)** A construct according to claim 68, further comprising a selectable marker.

118. **(Previously Presented)** A construct according to claim 68, further comprising an origin of replication.

119. **(Previously Presented)** A construct according to claim 68, further comprising a translational enhancer.

120. **(Previously Presented)** A construct according to claim 68, which is a vector.

121. **(Previously Presented)** A construct according to claim 68, further comprising one or more members selected from the group consisting of:

- a multiple cloning site for introducing a sequence of nucleotides;
- a reporter gene;
- a transcriptional enhancer for enhancing transcription of the polynucleotide;
- a translational enhancer for enhancing translation of the transcript encoded by the polynucleotide;
- a polyadenylation sequence;
- a selectable marker gene;
- an origin of replication;
- an intron; and
- a mRNA nuclear export signal

122. **(Previously Presented)** A construct according to claim 114 or claim 121, further comprising at least one site which is cleavable enzymatically, chemically or otherwise to provide a linearised vector into which PCR amplification products can be directly inserted.

123. **(Previously Presented)** A construct according to claim 107, wherein the nucleic acid sequence is from a gene selected from the group consisting of: *c-fos, c-jun, c-myc, GM-CSF, IL-3, TNF-alpha, IL-2, IL-6, IL-8, IL-10, Urokinase, bcl-2, SGLT1 (Na(+)-coupled glucose transporter), Cox-2 (cyclooxygenase 2), IL-8, PAI-2 (plasminogen activator inhibitor type 2), beta1-adrenergic receptor* and *GAP43.*

124. **(Previously Presented)** A construct according to claim 107, wherein the nucleic acid sequence is SEQ ID NO:19.

125. **(Previously Presented)** A construct according to claim 111, wherein the reporter protein is selected from the group consisting of: Luciferase, Green Fluorescent Protein, Red Fluorescent Protein, SEAP and CAT.

126. **(Previously Presented)** A construct according to claim 68, wherein the polypeptide is a protein having at least a light-emitting activity and a selection marker activity.

127. **(Previously Presented)** A construct according to claim 126, wherein the polypeptide is encoded by a chimeric gene comprising a coding sequence from a gene encoding a light-emitting protein and a coding sequence from a gene encoding a selectable marker protein.

128. **(Previously Presented)** A construct according to claim 126, wherein the polypeptide is encoded by a chimeric gene comprising a coding sequence from a gene encoding: a light-emitting protein selected from the group consisting of: Green Fluorescent Protein, Luciferase; and a coding sequence from a gene encoding a selectable marker protein selected from the group consisting of: kanamycin kinase, neomycin phosphotransferase, aminoglycoside phosphotransferase, puromycin N-acetyl transferase, and puromycin resistance protein.

129. **(Previously Presented)** A construct according to claim 114, wherein the sequence of nucleotides comprises a transcriptional control element.

130. **(Previously Presented)** A construct according to claim 114, wherein the sequence of nucleotides comprises a promoter.

131. **(Previously Presented)** A construct according to claim 114, wherein the sequence of nucleotides comprises a *cis*-acting regulatory element.

132. **(Previously Presented)** A construct according to claim 131, wherein the *cis*-acting regulatory element is selected from the group consisting of: an enhancer of transcription, an enhancer of translation, an enhancer of mRNA splicing, an enhancer of mRNA export, an enhancer of mRNA degradation, a repressor of transcription, a repressor of translation, a repressor of mRNA splicing, a repressor of mRNA export and a repressor of mRNA degradation.

133. **(Previously Presented)** A cell comprising a construct according to claim 68.

134. **(Previously Presented)** A cell according to claim 133, wherein the cell is a eukaryotic cell.

135. **(Previously Presented)** A cell according to claim 133, wherein the cell is a mammalian cell.

136. **(Previously Presented)** A cell according to claim 133, wherein the cell is a human cell.

137. **(Previously Presented)** A cell according to claim 133, wherein the cell is a plant cell.

138. **(Previously Presented)** A construct according to claim 68, wherein the RNA element destabilizes the transcript and comprises an AU-rich element.

139. **(Previously Presented)** A construct according to claim 138, wherein the AU-rich element comprises the sequence set forth in SEQ ID NO:1.

140. **(Previously Presented)** A construct according to claim 68, wherein the polypeptide is a reporter protein comprising a PEST sequence.

141. **(Previously Presented)** A construct according to claim 140, wherein the reporter protein comprises Luciferase.

142. **(Previously Presented)** A construct according to claim 140, wherein the reporter protein comprises firefly luciferase.

143. **(Previously Presented)** A construct according to claim 140, wherein the reporter protein comprises *Renilla* luciferase.

144. **(Previously Presented)** A construct according to claim 68, wherein the RNA element destabilizes the transcript and comprises an AU-rich element and wherein the polypeptide is a reporter protein that comprises firefly luciferase and a PEST sequence.

145. **(Previously Presented)** A construct according to claim 68, wherein the RNA element destabilizes the transcript and comprises an AU-rich element and wherein the polypeptide is a reporter protein that comprises *Renilla* luciferase and a PEST sequence.